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Steven T. Kanefsky

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EXAMINER

TANG, KAREN C

ART UNIT

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09/17/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/855,117	Applicant(s) KANEFSKY, STEVEN T.	
	Examiner KAREN C. TANG	Art Unit 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-15, 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/29/2010 has been entered.
- Claims 1, 2, 4-15, 17-23 are presented for further examination.

Response to Arguments

Applicant's arguments with respect to 1, 2, 4-15, 17-23 claims have been considered but are moot in view of the new ground(s) of rejection.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 4-15, and 17-23 have been considered but are moot in view of the new ground(s) of rejection.

Claims 10-15, and 17 are rejected under 35 U.S.C. 101 because according to par 0043 of the specification, where "A device" (i.e., machine) is intended to be "any combination of software capable of generating relaying, or recalling from storage data capable of being translating..." Thus, "A device" is considered as a program per se, which is not one of the categories of statutory subject matter unless claim language explicitly excluding the server "device" to contain solely the software elements.

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Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

Claims 10-15, 17, 20, 21 and 22 are rejected under 35 U.S.C. 101 because according to par 0043 of the specification, where "A device" (i.e., machine) is intended to be "any combination of software capable of generating relaying, or recalling from storage data capable of being translating..." Thus, "A device" is considered as a program per se, which is not one of the categories of statutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-15, 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan (US 6,760,759) in view of Isomursu et al hereinafter Isomursu (US 7,088,990) in further view of Lee et al hereinafter Lee (US 6,336,137).

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1. Referring to Claims 1 and 5, Chan disclosed providing information on a wireless device comprising: sending, from a remote server to a wireless device, a command file comprising instructions to assign command functions to controls on the wireless device, the wireless device enacting the command file and assigned the command functions to the controls on the device (refer to Col 6, Lines 60-67 and Col 7, Lines 5-17); receiving, at a remote server (refer to Fig 5 and the initial page is provided by server to the user, refer to Col 6, Lines 15-25), one or more search parameters (112, Fig 5) from the wireless device (handhold unit, refer to Col 5, Lines 35-40), the one or more parameters different from a menu navigation command (scroll bars, refer to Col 4, Lines 25, dial up 25, Col 4, Lines 35) of the wireless device (refer to Col 4, Lines 40-60); identifying a folder (identified the tag information, refer to Col 7, Lines 11-13) based on the one or more search parameters (search engine, 28, which is not within the handheld device 20, refer to Fig 2) and any further search parameters provided by the script processor, wherein the identified folder (specific data) is part of a preexisting deck (located within the database) maintained by said remote server (mapping server 46 which update information with the database RIDB, refer to Col 4, Lines 60-67); and communicating the identified folder to said wireless device (handheld unit is communicating, Col 5, Lines 1-5, and receive the information/data/webpage/next screen, refer to Col 5, Lines 20-45 and Col 8, Lines 25-32) for performing a menu navigation to the identified folder (next screen 120, refer to Col 5, Lines 35-63); wherein the remote server comprises a script processor configured to provide further search parameters based on responses to one or more queries displayed on the wireless device, the one or more queries being displayed upon the activation of a script (refer to Col 5, Lines 45-50); and wherein the script is activated in response to the receipt

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of the one or more initial search parameters by the remote server (refer to Col 5, Lines 45-50); and wherein one of the remote server and the wireless device monitors the actions performed on the wireless device by identifying the folder being viewed from the menu as well as a selected item from the folder, and the remote server performs services based on the monitored actions (refer to Col 5, Lines 5, Lines 45-50); the command function being customized to a display of the wireless device and the command function being customized to a control capacity of the wireless device (refer to Col 5, Lines 55-67 and Col 6, Lines 25-40);

Although Chan disclosed the invention substantially as claimed, Chan is silent regarding “assigning buttons on the wireless device, the command functions being customized to a display and a control capacity of the wireless device”

Isomursu, in analogous art, disclosing “assigning buttons on the wireless device, the command functions being customized to a display and a control capacity of the wireless device (refer to Col 10, Lines 40-57 and Col 11, Lines 47-55)”

It would have been obvious for one of ordinary skill in the art to combine the teaching of Chan with Isomursu because Isomursu’s teaching would improve the system of Chan by improve the interoperability between the server and the user (as supported by Lee as well.).

2. Referring to Claims 2 and 8, Chan disclosed further comprising: wherein the script is associated with a navigation command, each of the one or more queries associated with the one or more search parameters (refer to Col 5, Lines 40-45).

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3. Referring to Claim 4, Chan disclosed wherein the script further including one or more operations (refer to 0041).

Isomursu, further disclosing facilitating a reservation/purchase and places a phone call base don a query (refer to Col 11, Lines 15-30 and Lines 45-46)

4. Referring to Claim 11, Chan disclosed wherein the wireless device display the at least one identified folder and/or the at least one identified item (refer to Fig 5).

5. Referring to Claims 6 and 13, Chan disclosed wherein the second menu is a flat menu (refer to Fig 5, Col 5, Lines 35-64) that includes two or more identified items.

6. Referring to Claims 7 and 15, Chan disclosed wherein the second menu includes at least one text message that contains at least one of the one or more search parameters (refer to Fig 5, 120).

7. Referring to Claims 9 and 14, Chan disclosed wherein the second menu is a hierarchical menu that includes two or more identified folders (refer to Fig 5, 120 and Col 5, Lines 35-60).

8. Referring to Claim 10, Chan disclosed a device for searching for a folder or item in a menu of a wireless device, comprising:

A controller configured to send a command file comprising instructions to assign command functions to controls on the wireless device (refer to Col 6, Lines 60-67 and Col 7, Lines 5-17);

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an interface at a remote server that receives one or more search parameters from the wireless device (it is server comprises a interface to receive parameter), the one or more initial parameters different from a menu navigation command of the wireless device (refer to Col 5, Lines 35-60);

a search device that performs a search operation based on the one or more search parameter, the search operation identifying at least one folder and/or at least one item, the at least one folder and at least one item each being part of a preexisting deck maintained by said remote server and communicated to the wireless device (refer to Fig 5, and Col 5, Lines 35-63) and

a managing device that provides information to the wireless device based on the search operation (refer to Col 5, Lines 20-35);

wherein one of the at least one identified folder and/or the at least one identified item or a portion of a second menu is provided for display on the wireless device, and wherein the second menu is formed based on the provided information (refer to Fig 5, 120 and 130); based on the one or more search parameters (search engine, 28, which is not within the handheld device 20, refer to Fig 2) and any further search parameters provided by the script processor, wherein the identified folder (specific data) is part of a preexisting deck (located within the database) maintained by said remote server (mapping server 46 which update information with the database RIDB, refer to Col 4, Lines 60-67); and

communicating the identified folder to said wireless device (handheld unit is communicating, Col 5, Lines 1-5, and receive the information/data/webpage/next screen, refer to Col 5, Lines 20-45 and Col 8, Lines 25-32) for performing a menu navigation to the identified folder (next screen 120, refer to Col 5, Lines 35-63); wherein the remote server comprises a script processor

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configured to provide further search parameters based on responses to one or more queries displayed on the wireless device, the one or more queries being displayed upon the activation of a script (refer to Col 5, Lines 45-50); and wherein the script is activated in response to the receipt of the one or more initial search parameters by the remote server (refer to Col 5, Lines 45-50); and wherein one of the remote server and the wireless device monitors the actions performed on the wireless device by identifying the folder being viewed from the menu as well as a selected item from the folder, and the remote server performs services based on the monitored actions (refer to Col 5, Lines 5, Lines 45-50); the command function being customized to a display of the wireless device and the command function being customized to a control capacity of the wireless device (refer to Col 5, Lines 55-67 and Col 6, Lines 25-40);

Although Chan disclosed the invention substantially as claimed, Chan is silent regarding “assigning buttons on the wireless device, the command functions being customized to a display and a control capacity of the wireless device”

Isomursu, in analogous art, disclosing “assigning buttons on the wireless device, the command functions being customized to a display and a control capacity of the wireless device (refer to Col 10, Lines 40-57 and Col 11, Lines 47-55)”

It would have been obvious for one of ordinary skill in the art to combine the teaching of Chan with Isomursu because Isomursu’s teaching would improve the system of Chan by improve the interoperability between the server and the user (as supported by Lee as well.).

9. Referring to Claim 12, Chan disclosed wherein the wireless device displays a portion of the second menu (refer to Fig 5, 120 and 130)

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10. Referring to Claim 17, Chan disclosed wherein the script processor accessing information relating to an external network in response to the script (refer to Col 5, Lines 20-40).

11. Referring to Claims 18, 19 and 21, Chan disclosed providing information on a wireless device comprising: sending a command file comprising instructions to assign command functions to controls on the wireless device (refer to Col 6, Lines 60-67 and Col 7, Lines 5-17); receiving, at a remote server (refer to Fig 5), one or more search parameters (112, Fig 5) from the wireless device (handhold unit, refer to Col 5, Lines 35-40), the one or more parameters different from a menu navigation command (scroll bars, refer to Col 4, Lines 25, dial up 25, Col 4, Lines 35) of the wireless device (refer to Col 4, Lines 40-60);

identifying a folder (as a menu directory, the main menu is a first directory of the information, in Fig1, contains URL, and the URL represents various of directories in the menu, Fig 5) based on the one or more search parameters (search engine, 28, which is not within the handheld device 20, refer to Fig 2) and any further search parameters provided by the script processor, wherein the identified folder (specific data) is part of a preexisting deck (located within the database) maintained by said remote server (mapping server 46 which update information with the database RIDB, refer to Col 4, Lines 60-67); and communicating the identified folder to said wireless device (handheld unit is communicating, Col 5, Lines 1-5, and receive the information/data/webpage/next screen, refer to Col 5, Lines 20-45) for performing a menu navigation to the identified folder (next screen 120, refer to Col 5, Lines 35-63).

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The limitations such as "if the request includes a navigation commands, then...if the database was searched, then.." are alternate limitations, none of which requires to be presented in the references.

Although Chan disclosed the invention substantially as claimed, Chan is silent regarding "assigning buttons on the wireless device, the command functions being customized to a display and a control capacity of the wireless device"

Isomursu, in analogous art, disclosing "assigning buttons on the wireless device, the command functions being customized to a display and a control capacity of the wireless device (refer to Col 10, Lines 40-57 and Col 11, Lines 47-55)"

It would have been obvious for one of ordinary skill in the art to combine the teaching of Chan with Isomursu because Isomursu's teaching would improve the system of Chan by improve the interoperability between the server and the user (as supported by Lee as well.).

12. Referring to Claims 20 and 22, Isomursu further discloses wherein selecting a folder further comprises creating a folder to contain all items found in searching the database and selecting the created folder (refer to Col 10, Lines 45-57 and Col 11, Lines 15-31).

Conclusion

Examiner's Notes: Examiner has cited particular Cols and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from

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the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-THR 8 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Karen C Tang/

Primary Examiner, Art Unit 2451